

Application No. 10/751,092

REMARKS

Claims 1-6, 8-19, 23, 24 and 26 are pending. By this Amendment, claims 1, 9, 10 and 19 are amended and claims 8, 23 and 26 are canceled. The amendment to claim 1 is supported, for example, by Figs. 1 and 2. No new matter is introduced by the present Amendment.

Interview Summary

Applicant thanks the Examiner for a telephone interview on September 8, 2005. The subject of the interview related to the pending claims and the cited art. No agreement was reached but it was indicated by the Examiner that reconsideration would be given if limitations were added regarding the separate eating stations and limited access to the container. Applicant has amended independent claim 1 accordingly.

Rejections Under 35 U.S.C. § 103(a) - Rejections Under Moore In View of Bennett

The Examiner rejected claims 1-4, 6, 8, 9, 11, 12, 15-17, 19, 23 and 26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 3,205,860 to Moore in view of U.S. Patent 2,763,421 to Bennett. More specifically, the Examiner asserted that Moore lacks a dip portion in the regions of decreased radial extension but that Bennett does include a dip as shown in Figure 5. Applicant respectfully requests reconsideration of the rejection in view of the following comments.

As an introductory matter, Applicant respectfully challenges the Examiner's need to reopen the search to non-related art [See MPEP 704.01] The present application was subject to

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two Office Actions (May 17, 2004 and October 15, 2004) prior to transfer to the current examiner. The prior examinations were based on art from Class 119 – Animal Husbandry. The Bennett rejections are based on art from Class 229 – Envelopes. Bennett does not teach a similar feeding apparatus. Bennett discloses a single serving paper ice cream bowl. Bennett and Moore do not address common problems. The object of Bennett is to disclose a dish of paper having a smooth interior for ice cream sundaes. Moore discloses a stock feeder. One of ordinary skill in the art would not look to Bennett for a feeding apparatus with separate eating areas for livestock. Moreover, Bennett does not disclose an apparatus wherein the regions of decreased radial extension comprise a parabolic portion that allows access to the contents of the feeder (See Bennett Figure 3 and 4). However, to further clarify the invention, Applicant has further amended claim 1.

Since the combination of Moore and Bennett does not render Applicant's invention, as claimed in independent claim 1 prima facie obvious, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a). As amended claim 1 is now in condition for allowance, Applicant does not comment further on rejections of the remaining dependent since they are moot in view of the analysis above.

CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

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The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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